

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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<i>In re</i>	:
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THE FINANCIAL OVERSIGHT AND	: PROMESA
MANAGEMENT BOARD FOR PUERTO RICO,	: Title III
	:
as representative of	: Case No. 17-BK-3283 (LTS)
	:
THE COMMONWEALTH OF PUERTO RICO,	: (Jointly Administered)
<i>et al.</i> ,	:
	:
Debtors. ¹	:

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<i>In re</i>	:
	:
THE FINANCIAL OVERSIGHT AND	:
MANAGEMENT BOARD FOR PUERTO RICO,	:
	:
as representative of	:
	:
PUERTO RICO ELECTRICAL POWER	:
AUTHORITY (PREPA),	:
	:
Debtor.	:
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**INFORMATIVE MOTION OF CORTLAND CAPITAL MARKET
SERVICES LLC, AS ADMINISTRATIVE AGENT, AND SOLUS REGARDING
MOTION TO URGENT OMNIBUS MOTION TO COMPEL DISCOVERY RESPONSES
IN CONNECTION WITH PREPA RSA SETTLEMENT MOTION**

The Debtors in these title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

To the Honorable United States Magistrate Judge Judith Gail Dein:

Cortland Capital Market Services LLC (“Cortland”), as successor administrative agent for lenders under the Credit Agreement, dated as of May 4, 2012, among PREPA, Scotiabank de Puerto Rico, and the lenders party thereto, and SOLA LTD, Solus Opportunities Fund 5 LP, Ultra Master LTD, and Ultra NB LLC (collectively, “Solus”), as lenders to PREPA under the Scotiabank Credit Agreement and the Trade Facility Agreement, dated as of July 20, 2012, among PREPA and Citibank, N.A., as predecessor to the existing lenders thereunder, by and through their attorneys, respectfully submit this informative motion concerning the *Urgent Omnibus Motion of Cortland Capital Market Services LLC, as Administrative Agent, and Solus to Compel Discovery Responses in Connection with PREPA RSA Settlement Motion* [Dkt. No. 1557] (the “Motion to Compel”) filed by Cortland and Solus on August 2, 2019.

1. On August 2, 2019, Cortland and Solus filed the Motion to Compel, which sought to compel the Financial Oversight and Management Board for Puerto Rico, PREPA and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”; collectively, the “Government Parties”) to produce documents and a deposition witness concerning the *Conditional Motion to Make an Offsetting Change in Base Rate Charges* (the “Rate Motion”) filed by PREPA with the Puerto Rico Energy Bureau on July 3, 2019.

2. On August 9, 2019, the Government Parties filed the *Joint Opposition to the Urgent Omnibus Motion of Cortland Capital Market Services LLC, as Administrative Agent, and Solus to Compel Discovery Responses in Connection with PREPA RSA Settlement Motion* [Dkt. No. 1580] (the “Opposition”).

3. On August 19, 2019, Cortland and Solus filed the *Notice of Withdrawal of Urgent Motion of Cortland Capital Market Services LLC, as Administrative Agent, and Solus to Compel*

Discovery Responses in Connection With PREPA RSA Settlement Motion [Dkt. No. 1597], which explained that the parties had reached tentative agreement concerning the Government Parties' document productions, and had agreed to defer Cortland and Solus's request for a Rule 30(b)(6) deposition relating to the Rate Motion until after the Government Parties completed their document productions.

4. On September 30, 2019, following review of the Government Parties' document productions, Cortland and Solus renewed their request for Rule 30(b)(6) testimony from PREPA and AAFAF concerning the Rate Motion. On October 2, 2019, counsel for PREPA and AAFAF responded and refused to produce a witness to testify concerning the Rate Motion. *See* Ex. 1.

5. Accordingly, Cortland and Solus hereby renew the Motion to Compel and respectfully refer the Court to the Motion to Compel and Opposition previously filed at Docket Nos. 1557 and 1580, respectively, and to the Reply that Cortland and Solus have filed contemporaneously herewith. Cortland and Solus further respectfully request that the Court take the matter under submission. PREPA and AAFAF proposed and have consented to this procedure for adjudicating the Motion to Compel. *See* Ex. 1.

Dated: October 4, 2019

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